THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

W.P.Nos.762 OF 2001 AND 1078 OF 2001

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DATED 28-01-2006

W.P.No.762 of 2001

Between:

B.Satish Kumar, s/o Anjaiah, aged 20 years,

R/o Vootlapalli village & Post Miryalguda Mandal,

Nalgonda District.

....Petitioner

And

NTR University of Health Sciences, Vijayawada

Rep. by its Registrar and 4 others.

....Respondents

W.P.No.1078 of 2001

Between:

G.Shyam Sunder Chaitanya, s/o Dr.G.Narendra Babu,

aged 22 years, r/o 7-3-65, Mankumma Thota,

Karimnagar.

....Petitioner

And

NTR University of Health Sciences, Vijayawada

Rep. by its Registrar and 4 others.

….Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

W.P.Nos.762 AND 1078 OF 2001

COMMON ORDER:

The petitioners seek a Writ of Mandamus to declare the action of the respondent-University for not providing free seat to them in the MBBS Course for the year 2000 and also for not providing 85% of the available seats in the Osmania University local area to BC 'A' category, as illegal and arbitrary.

It is the case of the petitioners that they appeared EAMCET 2000 and secured 3365 and 3349 ranks respectively. They belong to BC 'A" community and claimed admission in the Osmania University local area under the said category. It is their further case that, though they secured better ranks than other candidates, they have been denied free seat under BC 'A' category.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent-University.

It is submitted by the learned counsel for the petitioners that the respondent-University granted admission to the other candidates even though they secured lesser ranks than the petitioners. The respondent-University had not given any valid reasons while denying free seat to the petitioners. Further submission of the learned counsel is that the respondent – University has exceeded the quota reserved for women in the Osmania University local area.

In the counter-affidavit filed on behalf of the respondent-University, it is categorically stated that the rank of the last candidate admitted in the free seat under BC 'A' general category in the Osmania University local area is 3348. It shows that the last admitted candidate is a better rank holder than the petitioners. As regards the admission process is concerned, it is stated that as per the directions of this Court in W.A.No.1547 of 1997, the seats reserved for local candidates and unreserved seats shall be filed up simultaneously. In that

view of the matter, it is not open to the petitioners to plead that the respondents have exceeded the quota reserved for women, by including the candidates who are admitted into the open category also. Further, it is stated in the counter-affidavit that no candidate belonging to the petitioners' category with less merit than the petitioners was admitted under free seat.

In view of the stand of the respondent-University in the counter-affidavit, it cannot be said that either the respondents have admitted the candidates with lesser rank into free seat in the BC 'A' category under Osmania University local area or they have exceeded the quota reserved for women candidates in the region.

Inasmuch as the respondents have categorically stated in the counter-affidavit that the rank of the last candidate admitted under BC 'A' general category in the Osmania University local area is 3348 and in view of the fact that the petitioners have secured ranks lesser than the last rank holder, the petitioners cannot seek any free seat. In that view of the matter, I do not find any illegality in the admission process. There is no valid basis for the petitioners to seek entitlement for free seat.

The writ petition is devoid of merits and is accordingly dismissed. There shall be no order as to costs.

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28-01-2006.

Lrkm.